

EXHIBIT B

CONFIDENTIAL



Transcript of **Kate Kennedy**

Friday, April 8, 2022

National Coalition on Black Civic Participation, et al. v. Jacob Wohl, et al.

www.trustpoint.one
www.alderonreporting.com
800.FOR.DEPO (800.367.3376)
Scheduling@Trustpoint.One

Reference Number: 114859

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 NATIONAL COALITION ON BLACK CIVIC
5 PARTICIPATION, MARY WINTER, GENE STEINBERG,
6 NANCY HART, SARAH WOLFF, KAREN SLAVEN, KATE
7 KENNEDY, EDA DANIEL, AND ANDREA SFERES,
8 Plaintiffs,
9 Civil Action No.:
10 20-cv-8668 (VM)(OTW)

11 People of the STATE OF NEW YORK, by its
12 attorney general, LETITIA JAMES, ATTORNEY
13 GENERAL OF THE STATE OF NEW YORK,

14 v.

15 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN &
16 ASSOCIATES, LLC, PROJECT 1599, MESSAGE
17 COMMUNICATIONS, INC., ROBERT MAHANIAN, and JOHN
18 and JANE DOES 1-10,

19 Defendants.

20 -----X
21 April 8, 2022
22 1:04 p.m.
23
24
25

26 REMOTE EXAMINATION BEFORE TRIAL of KATE
27 KENNEDY, the Plaintiffs in the above-entitled
28 action, taken on behalf of the Defendants, held
29 at the above date and time, and taken before
30 Dorene Glover, an RSR Reporter and Notary
31 Public within and for the State of New York.

32 CONFIDENTIAL

1 A P P E A R A N C E S:

2

3 ORRICK, HARRINGTON & SUTELIFFE
4 Attorneys for Plaintiffs
5 51 West 52nd Street
6 New York, New York 10019
7 BY: AARON GOLD, ESQ.
8 RYAN LIND, ESQ.

7

8 GERSTMAN SCHWARTZ, LLP.
9 Attorneys for Defendants
10 60 East 42nd Street
11 New York, New York 10165
12 BY: DAVID SCHWARTZ, ESQ.
13 RANDY KLEINMAN, ESQ.

12

13 LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
14 1500 K Street, NW
15 Washington, DC 20005
16 BY: DAVID BRODY, ESQ.

15

16 NYS Office of Attorney General
17 Attorneys for Defendants
18 28 Liberty Street
19 New York, New York 10005
20 BY: RICK SAWYER, ESQ.
21 COLLEEN FAHERTY, ESQ.

20

21

22

23

24

25

1 A. Yes.

2 Q. Did you vote in the 2020
3 presidential election?

4 A. Yes, I did.

5 Q. Did you vote in person?

6 A. Did I vote in person?

7 Q. Yes.

8 A. No.

9 Q. How did you vote?

10 A. I voted by mail.

11 Q. Had you voted in person for other
12 federal, state or local elections in the past?

13 A. Absolutely, yes.

14 Q. Have you voted in person for any
15 federal, state or local election taking place
16 after the 2020 presidential election?

17 A. Have I -- did you say have I voted
18 by mail or in person?

19 Q. In person after the 2020 election?

20 A. I voted in person in the last
21 election that we had 2021, I think.

22 Q. Who did you vote for for president
23 in the 2020 presidential election?

24 MR. GOLD: Objection.

25 A. Joe Biden.

1 party. There were groups for Black people and
2 there was us and there were women's groups. So
3 in a little bit of time, we would see them.

4 Q. What involvement, if any, do you
5 have with the American Communist Party?

6 MR. GOLD: Objection.

7 A. None at all.

8 Q. And what involvement, if any, do
9 you have with democratic socialists?

10 MR. GOLD: Objection.

11 A. None.

12 Q. So how did you first become
13 involved with this lawsuit?

14 A. We received -- actually, we had a
15 voicemail on our phone and it was getting
16 people information that was obviously wanted to
17 dissuade them from using vote-by-mail because
18 certain people might collect information that
19 would be to their detriment.

20 Q. Just to make it clear, when I refer
21 to the lawsuit, I'm referring to this case that
22 you are a plaintiff in, you know, the name of
23 the caption where you're a plaintiff, national
24 participation Mary Winter, Gene Steinberg,
25 Nancy Hart, Sarah Wolff, Kate Kennedy, Eda

1 asking me is decision-making and the other part
2 of it is feeling. What I do is if something
3 looks kind of bogus, I figure it's not really
4 true and that was what I -- so that's why I
5 thought it was not true. I had -- no, there
6 was reason to believe it was true. So I assume
7 that it wasn't.

8 Q. Because you testified that the
9 calls were targeted to the Black community.
10 Did you think the Black community was able to
11 see through these statements in the phone call
12 in your own mind?

13 MR. GOLD: Objection.

14 A. I didn't really think about that
15 part.

16 Q. As you sit here today, do you think
17 the opinions that you've made, do you think
18 they're based on racial stereotypes?

19 MR. GOLD: Objection.

20 A. What I said or what the phones
21 said?

22 Q. No, your opinions.

23 A. No.

24 Q. Why not?

25 A. I was working in the benefit of the

1 people in any community who often look for
2 additional motivations to vote where we drive
3 around, all that kind of stuff. I'm used to
4 dealing with them. I have no reason to think
5 that.

6 Q. So you know based on your
7 conclusions, as to what was targeted towards
8 the Black community, as you sit here today, you
9 don't think you're more intelligent than other
10 members of the Black community, do you?

11 MR. GOLD: Objection.

12 A. I have no idea of their IQs.

13 Q. Have you spoken to any members of
14 the Black community who received the Robocall?

15 A. I don't recall any.

16 Q. So you had no conversations with
17 any member of the Black community concerning
18 the Robocall that you received?

19 A. No.

20 Q. So as you sit --

21 A. As I said, I didn't see many people
22 at that time. I don't think so.

23 Q. How about by other forms of
24 communication; e-mail, text, phone, did you
25 speak with any member of the Black community

1 Q. What's your opinion of law
2 enforcement?

3 MR. GOLD: Objection, vague.

4 A. I agree. Of course, I believe in
5 the law enforcement.

6 Q. Do you believe that police
7 departments should be defunded?

8 MR. GOLD: Objection.

9 A. No, I don't.

10 Q. Do you fear tension from law
11 enforcement?

12 A. Attention or tension.

13 Q. Attention?

14 A. Do I fear attention?

15 Q. Yes.

16 A. I don't understand.

17 Q. Well, do you fear law enforcement?

18 Do you ever have any fears at all law
19 enforcement focusing in on you?

20 A. No.

21 Q. Do you have any debts?

22 A. No.

23 Q. Are you vaccinated for COVID-19?

24 MR. GOLD: Objection.

25 A. Yes.